



# CITY OF MEMPHIS

## COUNCIL AGENDA

June 17, 2014

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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### CALL TO ORDER by the Sergeant-at-Arms

### INVOCATION

*Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.*

### PLEDGE OF ALLEGIANCE

### CALL OF ROLL by the Comptroller

### APPROVAL OF PREVIOUS MEETING MINUTES (June 3, 2014)

### ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

#### PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION supporting the future of Solar Energy in Memphis.  
Strickland

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION approving an honorary street name change for Mr. R.S. Lewis, Jr.  
Ford

ACTION REQUESTED: Adopt the resolution

#### PUBLIC HEARINGS (None)

**DIVISION OF PLANNING AND DEVELOPMENT** (None)

**ZONING ORDINANCE – THIRD AND FINAL READING** (None)



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## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING

3. **ORDINANCE** to amend Chapter 21 – Motor Vehicles and Traffic – Article III Operation of Motor Vehicles Generally, Section 21-123, Procedure upon approach of authorized Emergency Vehicle to mirror the updated Tenn. Code Ann §55-8-132, Operation of Vehicles and Streetcars on approach of authorized Emergency Vehicles to clarify that extra caution around Solid Waste Vehicles is included within the requirements, up for F I R S T reading.

Ford

Ordinance No. 5555

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCES - SECOND READING

4. **ORDINANCE** establishing a Residential Parking Permit Pilot Program near Overton Square for a one year period, up for S E C O N D reading. (Held from 6/3)

Flinn

Ordinance No. 5550

ACTION REQUESTED: Adopt the ordinance on Second reading

5. **ORDINANCE** to amend Chapter 25, Code of Ordinance, City of Memphis, so as to limit participation in the Pension System to participants with 10 or more years of service and create a separate account (Equal to their Employee Contributions plus the Multiple earned as of June 30, 2015) for participants with less than 10 years of service, up for S E C O N D reading.

Harris

Ordinance No. 5552

ACTION REQUESTED: Adopt the ordinance on Second reading

6. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase the City contribution allowable under Section 25-71 and Section 25-171, so as to transfer transferred participants in the Pension System to the Defined Contribution Plan, up for S E C O N D reading.

Harris

Ordinance No. 5553

ACTION REQUESTED: Adopt the ordinance on Second reading

7. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to adopt a Defined Contribution Plan, up for S E C O N D reading.

Harris

Ordinance No. 5554

ACTION REQUESTED: Adopt the ordinance on Second reading

**ZONING ORDINANCE - FIRST READING**

8. **ORDINANCE** rezoning the west side of Ayers Street; +/-278.93 feet north of Poplar Avenue, containing 0.44 acre (19,192 sq. ft.) in the Residential Urban (RU-3) District, up for F I R S T reading.

Collins

Case No. Z 14-101

Companion Case SAC 14-602

Ordinance No. 5556

Applicant(s): Methodist LeBonheur Healthcare  
Allen & Hoshall, Inc. - Representative

Request: Campus Master Plan (CMP-1) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

**ZONING ORDINANCE - SECOND READING** (None)

**ENGINEERING** (None)

**NOTATION FROM OPD**

9. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. SUP 14-203cc

Located on the north side of State Line Road; +/-300' east of Bridge Mill Lane, containing 4.41 acres in the Residential Single Family – 10 (R-10) District

Applicant: TV6W, LLC Towers Ventures  
Lou Katzerman – Representative

Request: CMCS Tower – 150' tall

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED:** Set a date of public hearing

**SUGGESTED DATE:** July 1, 2014



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## REGULAR AGENDA

### BUDGET ITEMS

23. RESOLUTION directing the City Treasurer to prepare Tax Bills for the various Utilities and Carriers utilizing the last Certified Assessment available as of June 30, 2014.

Harris

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION approving the Capital Acquisition Budget and the Capital Improvement Program for Fiscal Years 2015-2019.

Harris

ACTION REQUESTED: Adopt the resolution

25. **ORDINANCE** establishing the Fiscal Year 2015 Operating Budget for the City of Memphis, up for T H I R D and F I N A L reading.

Harris

Ordinance No. 5547

**ORDINANCE** to appropriate the proceeds of the Tax Levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2014 through June 30, 2015.

ACTION REQUESTED: Take whatever action Council deems advisable

26. **ORDINANCE** to fix the Tax Rate of the City of Memphis for Fiscal Year 2015, up for T H I R D and F I N A L reading.

Harris

Ordinance No. 5548

ACTION REQUESTED: Take whatever action Council deems advisable

27.  
Flinn

**APPOINTMENTS**

**ALCOHOL COMMISSION**

Appointment

Africa Gonzales-McCloy

**ANIMAL SHELTER ADVISORY BOARD**

Appointment

Taurus M. Bailey

Reappointment

Taurus M. Bailey

**CITIZEN'S LAW ENFORCEMENT REVIEW BOARD**

Appointments

Suzanne Baker  
Floridia Jackson  
Nathaniel Jones  
Corliss Shaw

Reappointments

June P. Johnson  
Ralph White

**MEMPHIS AND SHELBY COUNTY AIRPORT AUTHORITY**

Appointment

J. W. Gibson, II

**MEMPHIS AREA TRANSIT AUTHORITY**

Appointment

Roquita Coleman

Reappointment

Sean Healy

**PENSION BOARD OF ADMINISTRATION**

Appointment

Mark A. Bishop

**GENERAL ORDINANCES – THIRD AND FINAL READING**

28. **ORDINANCE** to amend Article 5, Section 4-28-22, Deferred Retirement Option Plan (DROP), up for T H I R D and F I N A L reading.

Flinn

Ordinance No. 5549

ACTION REQUESTED: Take whatever action Council deems advisable

29. **ORDINANCE** authorizing the issuance of contractual licenses, permits and/or authorizations for use and occupation of the streets, alleys, thoroughfares and rights-of-way of the City of Memphis for installation and use of facilities for the operation of fiber optic and other communications systems and public utilities and establishing requirements, terms, conditions, limitations and provisions for recovery of the City's costs incurred for the construction, maintenance, policing, management or repair of the streets, alleys, thoroughfares and rights-of way of the City, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5551

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION** (None)

**DIVISION OF FIRE SERVICES**

30. **RESOLUTION** appropriating \$25,245.00 in G.O. Bonds in Capital Project FS02027 EMA Sirens, for the replacement of sirens.

Conrad

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION appropriating \$560,565.00 for Fire Station Repair, at Fire Stations 15 @ 688 Breedlove; FS 40 @ 2231 E. Shelby Dr. for pavement modifications, with the lowest complying bid submitted by A & B Construction, Inc. CIP Project Number FS02001, which is part of the FY14 Capital Improvement Budget funded by G.O. Bonds General.

Conrad

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES**

32. RESOLUTION to reduce the City of Memphis healthcare cost by eliminating medical premium subsidy to Post-65 Medicare retirees and replace with city sponsored Medigap, Medicare Advantage and Part D coverage; eliminate medical premium subsidy for Pre-65 retirees and continue to subsidize Post-65 retirees with partial or no Medicare coverage and eligible surviving spouse and dependents of employees killed while in the line of duty. Proposed rates take into account a 57% increase for all retirees as well as “access only” premiums for Post-65 Medicare retirees and Pre-65 Medicare eligible retirees.

Harris

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION to reduce the City of Memphis healthcare cost by increasing the smoker’s surcharge to \$120.00 per month per family.

Harris

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION adjusting total premium rates for the Active population by group and plan by 57% to ensure the HCF fund revenues cover projected expenses for FY15 and recover prior year deficits.

Harris

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION to reduce the City of Memphis healthcare cost by introducing a spousal carve-out.

Harris

ACTION REQUESTED: Adopt the resolution

**INFORMATION SERVICES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**DIVISION OF PARK SERVICES**

36. RESOLUTION accepting and appropriating grant funding in the amount of \$51,900.00 from the Department of State, Tennessee State Library and Archives for Library books and materials for Memphis Public Library & Information Center.

Boyd

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES**

37. RESOLUTION accepting donations in the amount of \$25.00 from Fox Meadows Liquors as awarded to the City of Memphis Police Department to support Police Services' operational activities.

Conrad

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION accepting donations in the amount of \$335.00 from Carolyn Bendall as awarded to the City of Memphis Police Department to support Police Services' COPS Program for operational activities.

Conrad

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION accepting donations in the amount of \$1,386.54 from Fred's Inc. as awarded to the City of Memphis Police Department to support Police Services' operational activities.

Conrad

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION seeking acceptance for Police Services to transfer \$22,500.00 from Administrative Services to Investigative Services for consulting services for the sexual assault kits.

Conrad

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION accepting grant funds in the amount of \$400,000.00 from the Tennessee Department of Transportation, for personnel costs and equipment.

Conrad

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

42. RESOLUTION approving an Access Easement Agreement with LaFarge West, Inc., as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on September 18, 2013.

Hedgepeth

Contract No. CR-5213

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION appropriating \$1,733,137.00 funded by G.O. Bonds-General for the repaving of various streets throughout the City of Memphis.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION awarding a grant of \$50,000.00 to Clean Memphis a 501(c) (3) organization, from the FY2014 Stormwater Program Operating Budget for a share of the cost to implement a clean water initiative for the Nonconnah and Downtown drainage basins to remove waste and debris that would otherwise enter the storm water system thus negatively impacting a valuable natural resource.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION amending the FY14 Capital Improvement Budget by transferring an allocation of \$450,652.60 in G.O. Bonds - in Traffic Calming Devices, Project Number EN01007, to Speed Hump Installation – Group 9, Project Number EN01048, for the purpose of installing speed humps in various locations in the city and appropriating \$450,652.60 funded by G.O. Bonds – for Speed Hump Installation Group 9, Project Number EN01048, for a Construction Contract with Cantrell Construction.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

46. RESOLUTION amending the FY14 Capital Improvement Budget by transferring an allocation and appropriating \$180,567.00 for the rehabilitation of (29) existing sanitary sewer manholes located throughout the City.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION approving the sale of City owned surplus vacant parcel as described in and acquired by warranty deed BT3717 in June of 1990 located in the Shelby County Register of Deeds Office. The parcel is located at 0 Decatur Street in Memphis, Shelby County, Tennessee also known as Parcel #021029 00028, according to City Ordinance 2-291. The purchaser is the adjoining property owner.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

48. RESOLUTION amending the Master Equipment Lease and Related Lease Documents between the City of Memphis and Banc of America Public Capital Corp to add (30) thirty additional Red Light Camera Systems.

Conrad

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ONS**

49. RESOLUTION authorizing the correction of the Realty Tax Assessment for Parcel 093-300-479Z (formerly D93-300-479Z).

Harris

ACTION REQUESTED: Adopt the resolution

50. RESOLUTION to dispose of surplus property with a value exceeding \$10,000.00.

Harris

ACTION REQUESTED: Adopt the resolution

51. RESOLUTION authorizing grant anticipation inter-fund loan to Workforce Investment Act fund not to exceed \$4,000,000.00.

Harris

ACTION REQUESTED: Adopt the resolution

52. RESOLUTION requesting that the Weights and Measures Program be added to the Proposed FY2015 Operating Budget in the amount of \$545,572.00 and that the Administration consider moving Weights and Measures to Public Works/Code Enforcement to cross train during the next year to ensure continued equity and fairness in the marketplace.

Harris

ACTION REQUESTED: Adopt the resolution

53. RESOLUTION accepting grant funds in the amount of \$37,500.00 from the State of Tennessee Department of Human Services for Child Support Noncustodial Parent Employment Demonstration Program.

Halbert

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 8 – Approved  
9. Public Hearing set for July 1, 2014  
10. Through 24 – Approved  
25. and 26 – Approved, as amended  
27. Approved  
28. Held to July 15, 2104  
29. Held to September 16, 2014

**June 17, 2014**

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30. and 31- Approved

- 32. Dropped
- 33. Approved
- 34. Approved, as amended
- 35. Through 51 – Approved
- 52. Failed
- 53. Approved

**ACTION TAKEN ON THE MINUTES OF JUNE 3, 2014**

Approved

**ACTION TAKEN ON THE MINUTES OF JUNE 17, 2014 FOR ITEMS 23, 24, 25, 26, 33, 34, 35, 49, 50, 51 and 53 ONLY:**

Approved